



RENTON PLANNING COMMISSION

Meeting Minutes

January 4, 2006
6:00 PM

City Municipal Building
Council Chambers

Planning Commissioners Present: Robert Bonner, Jimmy Cho, Ray Giometti, Jerrilynn Hadley, Nancy Osborn, Joshua Shearer

Planning Commissioners Absent: Rosemary Quesenberry

City Staff Present: Rebecca Lind, Planning Manager; Erika Conkling, Associate Planner; Judith Subia, Recording Secretary

1. CALL TO ORDER: Commissioner Giometti opened the meeting at 6:00 PM
2. ROLL CALL: Commissioner Osborn called roll; Commissioner Quesenberry was absent and excused
3. APPROVAL OF MINUTES: There were no Minutes available for approval
4. CORRESPONDENCE RECEIVED: Hearing Examiner Minutes of a November 29, 2005 meeting, regarding approval for a 34-lot subdivision of a 34-acre site intended for the development of single-family residences; Hearing Examiner Minutes of a December 6, 2005 meeting, regarding a request for a determination on the required height for a fence.
5. AUDIENCE COMMENTS: None
6. COMMISSIONER COMMENTS: None
7. POLICY/CODE STUDY SESSION: **Tree Preservation Ordinance Briefing**
Rebecca explained that the Commission will be starting a work program on tree preservation. This is a first step fix to a larger package of tree regulations and landscape code. This is the first briefing. The ordinance is not ready, but will be available for the next meeting. The intent for tonight's meeting is to give the Commission the overall background and scope of work, present the general policy framework that Staff will be working from, and receive comments from both the Commission and the public.

STAFF PRESENTATION

Erika gave a short presentation about tree retention. The issue is that the current code generally does not require tree retention. It requires that trees must be reserved in critical areas, but have found that large developments are clear cutting majority of their building sites.

Erika explained that tree retention preserves natural drainage features, prevents erosion, provides habitat, insulates against wind and sun, buffers noise, reduces pollution, and is aesthetically pleasing.

In the City's existing codes, trees, regardless of size, are treated similarly. Staff is proposing designating a category, Major Trees. In review of various codes around the region, good comments were made about the City of Newcastle's ability to preserve trees. Staff looked very closely at the City of

Newcastle's ordinance. A major tree is defined as a tree that should be protected and include evergreens or coniferous trees larger than 8" in diameter and broadleaf trees larger than 12" in diameter. There is a standardized measurement that determines the diameter of a tree, which is taken at about 4 feet above ground height.

The City's existing code only requires retention of trees in critical areas and buffers. The internal area created by the perimeter setbacks is considered the land clearing line. Staff is proposing requiring major tree retention in perimeter setbacks, a 25% internal area major tree retention for residential uses, and a 5% internal area major tree retention for commercial and industrial uses. The existing code allows exemptions for: emergencies, diseased trees, utility and road expansion, and commercial nurseries and agriculture. Minor tree cutting activities, with lots under ½ acre are also exempt from all requirements. Any lot less than 35,000 square feet is allowed to cut 3 trees per year, and lots greater than 35,000 square feet are allowed to cut 6 trees per year. Staff is proposing exemptions to remain the same and allow minor tree cutting the same way, but not exempt small lots from the major tree requirement. A property owner with a lot under ½ acre wanting to remove a major tree from their property will need to get a Vegetation Management Permit.

Currently, there are no incentives for tree retention. Staff is proposing 3 smaller trees (over 3" in diameter) with overlapping canopies may be substituted as a major tree. Some trees may count as two toward meeting retention requirements. These are very large trees 60' or higher and more than 24" in diameter for evergreens and 30" or greater for broadleaf trees, a major tree in a grouping of five trees with overlapping canopies, a major tree that provides building energy savings through wind protection or shade, major trees of unique or unusual species, major trees within 25' of critical area buffer, or major tree greater than 18" in diameter that provides valuable wildlife habitat.

In the City's existing code, retained trees must be protected during construction. Staff is proposing to increase protection requirements to include construction of a temporary fence around the drip line of all retained major trees. Erika gave an example of the Highpoint development, where fences surrounded the drip line and included the replacement value of the trees.

Currently, there is no requirement for replacing required trees if they must be removed or a requirement to maintain the retained trees. Staff is proposing to replace major trees by transplanting with a major tree, or replace it with trees a minimum of 3" in diameter at a rate of two inches diameter for every inch removed. For example, if a 24" diameter major tree were removed, sixteen 3" diameter trees would need to be planted to replace it. Staff is also proposing maintenance for all retained trees for the life of the project and for two years after project completion to ensure performance.

Staff is proposing re-naming the current code "Tree Cutting and Land Clearing Regulations" to "Tree Retention and Land Clearing Regulations."

Commissioner Hadley asked if there was a proposal for designating major trees. Erika explained that a major tree is defined as a coniferous tree larger than 8" in diameter and a broadleaf tree larger than 12" in diameter. When anyone comes in for a development permit, they would need to show all major trees on their site plan. Currently, ordinances require that all trees 6" or greater in size be shown on site plans prior to any land clearing. However do not propose that any be retained.

Commissioner Hadley asked what the difference would be in the new code regarding the issuance of the Routine Vegetation Management Permit. Erika explained that the current code doesn't regulate anything except that trees cannot be cut down in critical areas. The new code would not allow cutting trees down in critical areas, in the required perimeter setback landscaping area, and a percentage of trees need to be retained within the interior.

Commissioner Hadley also asked if there was a definition of what provides wind protection or shade. Erika explained that commonly when credit is offered, it is at the discretion of the Development Services Director. Commissioner Hadley suggested that this be better defined to avoid debate because of its broadness. Commissioner Hadley suggested the same for the definition of valuable wildlife habitat.

Commissioner Cho suggested that other things aside from size should be taken into consideration for the definition of a major tree. For example, the age, environmental factors, and root systems should be considered.

Commissioner Shearer asked who was responsible for ensuring that the guidelines were followed once permits regarding tree retention were issued. Erika explained that it depends on the situation. If an individual property owner were issued a permit, they would be responsible. However, many of these cases involve major developments and subdivisions. In this case, the protection of the two years bond or surety device would come into play. Commissioner Shearer asked if the building inspector would monitor this during and after construction.

Commissioner Osborn asked for clarification about these regulations affecting only new developments. Erika explained that these pertain to all development, but have a greater affect on new development. New developments are more likely to clear the whole land to build. An individual homeowner that wants to remove trees, is allowed to do so, depending on the lot size, 3 to 6 trees per year. If a homeowner would like to remove more than 3 trees, they would follow normal procedures is obtaining a Vegetation Management Permit, which may allow them to remove the trees. Under the proposed regulations, a property owner would need to preserve significant trees. Using that scenario, Commissioner Osborn asked if a homeowner on an existing single-family lot wanted to build an outbuilding and needed to remove 4 trees and met the criteria, if they would need to go through the permitting process or would that be part of the normal permitting process for building the outbuilding. Rebecca explained that under the current permits, because they have a development permit, they can remove the trees. However, under this proposal, they can have 3 removed and the fourth require replacement. Erika added that it would also depend on how many other major trees were on their property.

Commissioner Osborn asked what would happen if a replacement tree died. Erika said that this issue still needs to be addressed. Commissioner Osborn questioned the removal of exemption for small lots. Rebecca explained that this is why the existing half-acre exemption is in place and perhaps a half-acre is too large. The half-acre exemption is an old code provision and existed prior to the Growth Management Act and the creation of the R-8 zone. Commissioner Osborn about the replacement of trees that come down due to natural destruction such as wind and disease. Erika explained that there would need to be a replacement of any major tree due to any cause.

Commissioner Osborn asked for clarification about the maintenance of the trees and if that includes watering of the replacement trees. Erika said that this would be included in the maintenance.

Commissioner Cho asked if this would apply to other development as well, such as stadiums and schools. Erika said that the residential requires 25% to be retained and 5% for commercial and industrial uses. Commissioner Giometti questioned the low percentage of retention for commercial uses. Commissioner Hadley also added that some trees have not been maintained. Rebecca said that this overlaps with the landscape requirements. Commercial uses are required to landscape their front setbacks but don't have, at this point, any specification of what type of landscape that would be. Staff is also talking about moving forward with changes to that as well.

Rebecca also added that there are two different conditions to address. Existing lots that once were forested, have been cleared and now have significant growth back on them has concern about losing the canopies there as infill development occurs. There are also concerns about large parcels in the recently annexed areas where there are significant large stands of trees and losing the canopies there. These are two different situations, and this code would apply to both. Commissioner Osborn asked about areas in the PAA that have been cleared and has re-grown. Rebecca said that Staff has not looked at that, but may be going down that road with the West Hill or Cascade Vista area.

Commissioner Bonner said that this is a good measure to protect the trees, the ratios set to preserve major trees sound right, and wanted to thank Staff for a job well done.

Commissioner Hadley suggested that more should be said about indigenous trees and whether or not they are unique or get incentives. Commissioner Hadley also added that indigenous trees should be encouraged when replacing trees.

Rebecca said that the Parks Department staff is embarking on major tree legislation as well, and Staff is forming an inter-departmental group to look at what Parks is talking about. They have completed an inventory of trees in the City and are going to be working on policies and code for trees in Parks and existing City right-of-ways, and tree standards and tree lists. Some of their work program may overlap into some regulations for private property. Staff does anticipate an update to the City's tree list.

Commissioner Hadley suggested that some consideration should be taken for trees that are dangerous and invasive, which grows under foundations and causes cracks. Erika said that in the current code, there is a list of priority species to be removed. This includes invasive species that cause problems, such as cottonwood and several species of alder.

Commissioner Hadley suggested allowing a property owner to remove a major tree from their property and planting it elsewhere in the City. Erika said that the City of Duvall has a program similar to this. There is a formula that determines the value of a tree that the City uses. A property owner would pay that value, which goes into the Parks system where it is re-invested into another tree in the City. Commissioner Hadley suggested price control on tree swapping, likes the idea but doesn't want it to get too expensive.

Commissioner Giometti asked for an example where double credit would be used. Erika described a property owner who has a lot in which the major trees are not well clustered. A property owner can achieve the credit by taking a corner or edge of a lot and putting in a major tree for a credit in that portion. If there is a situation where a property owner has trees in isolated locations, and cuts down smaller trees around that to develop, trees retained in this manner is very poor. In this situation, where isolated trees are being retained, it may be worth to remove these trees and receive a double credit.

Commissioner Giometti also commented that 5% retention for commercial uses are too low.

AUDIENCE COMMENTS

Ronda Bryant, 6220 SE 2nd St, Renton, WA 98059: Ms. Bryant said that tree retention is interesting to her. She lives on the south side of Highlands Park, which is an 18-acre park that is in the process of being developed. Ms. Bryant says the water damage to her property when the trees are removed will be very extensive. She feels that the retention of trees is very important and that the criteria of size is good, and, asked Staff to think about setting a limit to the tops of trees. Trees that are 3' in diameter and are 100 to 150 feet tall, causes damage to 2 or 3 houses if they fall.

Gwendolyn High, 13405 158th Ave SE, Renton, WA 98059: Ms. High is president of CARE and lives in the East Renton Plateau PAA. She has been looking at what Renton is doing and how the City is planning for the future, is very happy to see what is happening about tree retention, and wants to join Renton because of wise planning. Ms. High asked if the tree inventory in the plan will be during the SEPA process or the platting process.

Erika said that this would be required at the beginning of the platting process for new development. For developments that are in the process, if a tree retention scheme hadn't been done as part of their plat, it would be required at the time they came in.

Ms. High asked if there would be a specific sign-off on the tree retention separate from SEPA and plat. Rebecca said that the routine vegetation management is done as part of land use approval that is required. The sign-off would happen after SEPA.

Ms. High said that she agrees with the double credit, and would encourage Homeowner's Associations to take responsibility of retained trees, particularly in common areas. Ms. High also mentioned that the City of Seattle has a Heritage Trees Program that has different formulas about how to weigh trees and

find its worth and replacement value. Ms. High thanked the City for the great work that has been done and said that this will make a big impact on their neighborhood.

Inez Petersen, 3306 Lake Washington Blvd N, Renton, WA 98056: Ms. Petersen feels that the location of major trees is important and whether they are creating a hazard by its location. She also feels that locust trees should be on the list of nuisance trees. Ms. Petersen is concerned about the exemption of half-acre lots, doesn't feel that the replacement formula is realistic, and is concerned about the cost of performance bonds for a property owner.

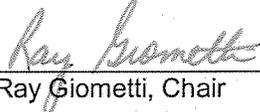
Anita Oliphant, 16519 SE 145th St, Renton, WA 98059: Ms. Oliphant lives in South Briarwood area of the PAA. Ms. Oliphant is in an established community that was built in the early 1970's. The trees in that area are very large, and most of the homes are sitting on one-third to one-quarter acre lots and says that people that move in are cutting down trees. She feels that the tree retention ordinance should be extended to everyone and to enforce it in areas that are already established.

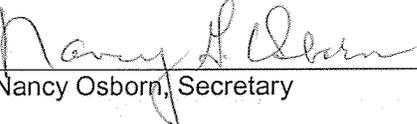
8. DELIBERATION/RECOMMENDATION: None

9. COMMISSIONER COMMENTS: Rebecca updated the Commission on their field trip to the Highpoint development in West Seattle. If members of the public are interested in this tour, and provide their own transportation, they are welcome to tour Highpoint with the Commission. This field trip is scheduled for January 28 at 8:00 AM. The Highpoint development was developed in 1942 by the same developer as the Highlands. More information on this development can be found online at www.thehighpoint.com.

The next Planning Commission will be on January 18, 2006. The Highlands Sub-Area Plan discussion will be on the agenda.

10. ADJOURNMENT: The Meeting was adjourned at 7:34 PM

 3/15/2006
Ray Giometti, Chair


Nancy Osborn, Secretary